

Statement of Additional Grounds for Jeffrey S. Michael

GROUND 1 - I have been looking over my transcripts and I don't think my competency to stand trial or represent myself was taken very seriously. I did not ~~was~~ fully understand the proceedings against me and I definitely wasn't ready to represent myself. I am including a case called Dusky v. United States, 80 S.Ct. 788, 4 L.Ed.2d 824, 362 U.S. 402 (1960) where a defendant was remanded for another competency hearing when the record was insufficient to "support the findings of competency to stand trial." The case is short so I'm including it instead of rewriting it. If the record in my case doesn't support a true competency test, I should be remanded and given a test that accurately ~~make~~ make that assessment.

I am also not mentally competent to do legal briefings. I am currently housed in the Skill Builders Unit (SBU) at Stafford Creek because I have mental health ~~issues~~ ~~and~~ issues and developmental disabilities. I don't understand how I was found mentally competent after trial. Can you please have my attorney brief this issue? Under RAP 10.10(f)? My competency is not supported by the record.
Thank you.

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CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

80 S.Ct. 788
Supreme Court of the United States

Milton R. DUSKY, Petitioner,

v.

UNITED STATES of America.

No. 504, Misc.

|

April 18, 1960.

Synopsis

Defendant was convicted of unlawfully transporting in interstate commerce a girl who had been kidnapped. The

United States Court of Appeals, Eighth Circuit, 271 F.2d 385, affirmed, and defendant petitioned for certiorari. The Supreme Court, Per Curiam, held that record insufficiently supported finding of competency to stand trial.

Judgment of Court of Appeals reversed and case remanded to District Court with directions.

Attorneys and Law Firms

**788 Mr. *402 James W. Benjamin, for petitioner.

Solicitor General Rankin, for the United States.

Opinion

PER CURIAM.

The motion for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. Upon consideration of the entire record we agree with the Solicitor General that 'the record in this case does not sufficiently support the findings of competency to stand trial,' for to support those findings under 18 U.S.C. s 4244, 18 U.S.C.A. s 4244 the district judge 'would need more information than this record presents.' We also agree with the suggestion of the Solicitor General that it is not enough **789 for the district judge to find that 'the defendant (is) oriented to time and place and (has) some recollection of events,' but that the 'test must be whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding—and whether he has a rational as well as factual understanding of the proceedings against him.'

*403 In view of the doubts and ambiguities regarding the legal significance of the psychiatric testimony in this case and the resulting difficulties of retrospectively determining the petitioner's competency as of more than a year ago, we reverse the judgment of the Court of Appeals affirming the judgment of conviction, and remand the case to the District Court for a new hearing to ascertain petitioner's present competency to stand trial, and for a new trial if petitioner is found competent. It is so ordered.

Reversed and remanded with directions.

All Citations

362 U.S. 402, 80 S.Ct. 788, 4 L.Ed.2d 824